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Draft Chesapeake Bay Total Maximum Daily Load

Comment On: EPA-R03-OW-2010-0736-0001

Clean Water Act Section 303(d): Notice for the Public Review of the Draft Total Maximum Daily Load (TMDL) for the Chesapeake Bay

Document: EPA-R03-OW-2010-0736-0559

Comment submitted by T. Roe

Submitter Information

Submitter's Representative: Timothy Roe

General Comment

As a supporter of the family farms within New York's Chesapeake Bay watershed area, I ask that the Environmental Protection Agency (EPA) revise New York's Chesapeake Bay Total Maximum Daily Load (TMDL) allocation to a realistic and attainable standard and accept the NYS Department of Environmental Conservation's (NYS DEC) Watershed Implementation Plan (WIP) which is an aggressive and realistic plan to protect water quality in New York's portion of the Bay watershed.

Clean water is a priority of New York farmers, who have worked for many years to protect the state's water resources under the most progressive water quality standards in the country. The EPA should revise New York's Chesapeake Bay TMDL allocation to more adequately reflect NY's environmental achievements, be more proportionate in accordance with science, account for NY's decreasing environmental footprint over the past decade and reflect that NY's water quality chemistry already meets Bay specifications for high water quality as required by EPA's TMDL. New York's state-wide environmental program achievements, as well as its unique landscape, growing conditions and seasonality - which differ from other five Bay watershed states - should all be accounted for in any Chesapeake Bay Program TMDL.

EPA should also adopt the model refinements recommended by the NYS DEC in their draft Phase I Watershed Implementation Plan to restore the Chesapeake Bay and its watershed. The strategy presented in NYS DEC's WIP is an aggressive, achievable, credible, stakeholder driven plan which provides adequate assurances on NY's ability to achieve stated nutrient reductions. These requested model refinements reflect the environmental protection accomplishments New York State has already attained and truthfully represents the practices of environmental stewardship currently employed on New York's family farms.

New York's farm communities in the Bay watershed have serious concerns that U.S. Environmental Protection Agency Region 3 (USEPA R3) has not accurately accounted for all pollutant reduction factors which are distinct and unique to New York. Unlike other Bay watershed states, New York's small portion of the Chesapeake Bay watershed is characterized by low population growth, low intensity agriculture, forest and high water quality. This is significant because the brunt of any nutrient load allocation requirement will fall squarely on our small family farms in the Bay watershed region in the absence of any other significant industry or population centers to satisfy USEPA R3

pollutant reduction targets.

Since 2004, the NYS DEC, in partnership with the New York State Department of Agriculture and Markets, has been implementing a practical, programmatic, state-wide approach to nutrient and sediment reduction which has resulted in marked improvements to the Susquehanna River Basin region and, thereby, the Chesapeake Bay watershed. These existing state water quality and agricultural environmental management programs have established practices and standards which exceed federal minimum requirements and pre-date any EPA mandate.

For these reasons, please revise New York's Chesapeake Bay Total Maximum Daily Load (TMDL) allocation to a realistic and adopt the model refinements recommended by NYS DEC in their Draft Phase I Watershed Implementation Plan.

Sincerely,